24/9.

File No. 79 of 1905-0

Serial Nos. 153

1906

GENERAL AND REVENUE SECRETARIAT.

(Legislative)

25

Part A: Manuscript

for August 1906.

Serial Nos. 153

ian Code—

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British Resident in Mysore
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amending Sections 4 and 210
Mysore Land Revenue Code (Regr

2 From. The First Asst to the Hon'ble
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3 To. The Compiler, Mysore Gazette
Notfn No J 573 dated the 25th A
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Diwn No J. 116

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1905-06

GENERAL AND REVENUE SECRETARIAT.

(Legislative)

NOTES

File No. 19 of 05-06

FILE HEADING.

Amendment of the Land Revenue Code VI of 1889, in regard to the functions of the Revenue Commr, and the limitation of appeals from his decisions

From

No. Dated Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

MGCPB—25,000—18-8-04

2

1) 11266

Very urgent.

The Legislative Branch will draft a regulation amending the Mysore Land Revenue Code in the following respects and submit it through the First Councillor:-

Section 4:- To be made identical with Section 4 of the Bombay Revenue Code with a view to increasing the sphere of authority of the Mysore Revenue Commissioner.

Section 210:- Appeals to Government from the appellate decisions of the Revenue Commissioner to be limited to points of law and custom with a view to imparting finality to appeals under the Mysore Land Revenue Code.

2. The matter will be regarded as extremely urgent.

16.2.06

2) To the Hon'ble Secy

16-2-1906

Recd. 5 P.M. 16/2/06

Serial No.

3) In giving effect to the above the first para
instructions, I have experienced
a doubt as to whether an amendment
of section 4 by itself is alone intended
Section 4 of the Bombay L. R. Code
(that is, the first para of it, which
is alone pertinent here) is confined
to the declaration that the chief
controlling ~~revenue~~ authority in land
revenue matters is vested in the
Commissioner subject to Government
and we have to refer to several other
scattered provisions in order to obtain
a connected and complete idea of
the functions of the Commissioner
in Bombay. In the Mysore laws
on the other hand, the present form
of section 4 as an enabling provision
dealing exhaustively with the powers
and duties of a Revenue Commissioner
whenever one may be appointed, was
~~adopted~~ adopted after much dis-
cussion. To make this section
~~therefore~~ identical with Bombay
section 4 will not therefore be sufficient
to attain the object in view of "increasing
the sphere of authority of the Mysore Revenue

NOTE—Contn. sheet

Serial No.

Commissioner" to the same extent as in Bombay.

This object could, it seems to me, be attained in two ways. One is to take the sections of our Code one after another beginning with section 4, and to make such changes in each as may be required to assimilate the functions of the Revenue Commr. to those assigned by the corresponding section of the Bombay Code. The other alternative is to retain the character of section 4 as a ~~enabling~~ provision enabling Govt. to appoint a Revenue Commr. whenever it thinks fit, and as an enactment specifically giving to his powers and duties should such an officer be appointed, and to make only such changes as are necessary to make it clear that the Rev. Commr. is to exercise the same authority as the Bombay Divl. Commissioner, (without a special case by delegation by Government). I have prepared two alternative draft Regulations to suit either view, marked A & B. The former is more ~~elaborate~~ detailed, but the latter is, I think

NOTE—Contn. sheet

MGCPB—50,000— 24-7-05

Serial No.

answer the purpose equally well. In claim excluded from the jurisdiction of the Civil Courts debarred from by Canon now be direct to Government under an order of the Bishop. Justification for this is to be found in sub-section (4) of section 4 though apparently it conflicts with section 210. If, as I believe no interference with the existing practice is intended, advantage may be taken of this opportunity to set at rest all doubt on the question. This can, I think, be done by the insertion of the words "unless otherwise prescribed by a General order of Government under sub-section (4) of section 4" between the words "shall" and "be" in line 3 of section 210

20/2/1906

20/2/06

11434
20-2-06

2 — 4

Extract from the Proceedings of the 129th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 24th Feb: 1906.

8

I Subject--(Clause ii of the Schedule.)

10)

Draft of a Regulation further to amend the Mysore Land Revenue Code 1888, with a view to increase the Sphere of authority of the Revenue Commissioner and to provide for appeals to Government from his appellate decision or order only on points of law or usage having the force of law

Opinions of the Dewan and Councillors.

9

The appended Draft Regulation may be approved.

(Signed) P. N. Krishna Murti
Dewan of Mysore

8

4.3.1906
Secretary.

1/3/06

9

11) *Submitted to His Highness.*

In para 14 (a) of our letter No. 1432, dated the 13th February to the Hon ble the Resident about the administrative arrangements in Mysore, it was said "Proposals to amend this* Section as well as Section 210 will be submitted in due course".

Section 4

2. A Draft Regulation amending Sections 4 and 210 of the Mysore Land Revenue Code in accordance with His Highness' orders is submitted herewith together with a draft letter to the Resident for gracious approval.

Initialled/- P.N.K.

2.III.06.

G.R.S. 12]
General and Revenue Secretariat.

Legis: File No. 19 // of 1905-06

Serial No.	
	To
	The Hon'ble Mr. S. M. Fraser C.I.E.
1	British Resident in Mysore
	No 1578, dated 6th March 1906.
	Forwards for the Sanction of the Govt. of India, a draft Regulation amending Sections 4 and 210 of the Mysore Land Revenue Code, (Regn IV of 1888).
	From
	The First Asst: to the Hon'ble
2	the Resident in Mysore.
	No: 4693 dated 17th August 1906.
	States that the Govt of India have no objection to the proposed legislation.
	Submitted with two clean copies of the draft Regulation amending Sections 4 and 210 of the Mysore Land Revenue Code (Regn IV of 1888), which has now to be submitted to His Highness for Sanction, prior to publication in the Gazette.
	C.R.D. 18.8.06.

Note—Contn. sheet

GPB—50,000—23-10-05

12

17) *Submitted to His Highness.*

The sanction of the Government of India for the passing of the Regulation to amend the Land Revenue Code has now been received. The favour of His Highness' assent to its promulgation is requested.

The Council rules as recently revised may now be re-published as a Notification. rule XII(1) being altered as shown below.

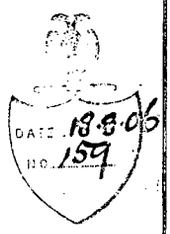
(Linked file)

> "Appeals which lie to Government under section 210 of the Mysore Land Revenue Code, 1888, from the decisions of the Revenue Commissioner, in cases falling under clauses (a) to (g) of section 221 thereof, shall be heard and decided by two Members of Council."

The necessary drafts regarding the enhanced powers of the Revenue Commissioner will be submitted separately.

18/8/1906

Record of Cases submitted for the Orders of His Highness the Maharaja.



Subject.

Sanction for promulgating the Regulation to amend the Mysore Land Revenue Code of 1888.

169.

Order.

18) Sanctioned
~~KRW~~
20/8/06

19) Devan's order
Please issue
BO
683.
21/8/06

20) Promulgate in a gazette Extr. along with the revised Council Rules & Notifn dated 25-7-1906 Commissioner's Notifn. No. III.

G R.S. 12]
General and Revenue
Secretariat.

Leg File No. 19 13 of 1905-06.

Serial No.	
~~2~~.	21) The Regulation has been published in the Gazette Extraordinary. Submitted the usual draft order for promulgating the Regulation in the ordinary issues of the Gazette SW 27/8/06 22) Issue 27.8.06. To the Comptroller, Mysore Gazette - No: G 573 Dt 25.8.06 directs the promulgation of the above Regulation with a request that the said Regn no VI of 06 be published in the ordinary issues of the Gazette.
3	

Secretary to Govt

15

NOTE—Contn. sheet

GPB—50,000—23-10-05

1

1

F. no: 19 gos-
s. no 1

From

Sir P.N.Krishna Murti, K.C.I.E.,

Dewan of Mysore.

To

The Hon'ble Mr. S.M. Fraser, C.I.E.,

British Resident in Mysore.

Letter No. 1578, dated 6th March 1906.

Sir,

With reference to para 14, clause (a) of my letter No. 1432. dated the 13th February last, about the administrative arrangements in Mysore, I beg to forward herewith a Draft Regulation amending Sections 4 and 210 of the Mysore Land Revenue Code, Regulation No. IV of 1888.

2. The reasons for the proposed amendments having been fully set forth in my letter already referred to, it is unnecessary to dwell here upon their necessity.

16

3. As a result of the amendment of Section 4 on the lines of Section 4 of the Bombay Land Revenue Code, Act V of 1879, so far as it is applicable to Mysore, certain verbal changes in a few other Sections and the omission of Schedule I became necessary and these have been provided for in the Draft Regulation.

4. I am to request you to be so good as to obtain the sanction of the Govt. of India to the accompanying Draft Regulation.

I have etc.

Sd/- P.N. Krishna Murti.

4

Amendment of sec.6, ~~Regn.IV of 1888~~.

2. In section 6 of the said Code, after the words "Deputy Commissioner of the District" there shall be inserted the words "and shall be subordinate to the Revenue Commissioner."

Repeal of certain words in sec.8(2).

3. In sub-section (2) of section 8 of the said Code, the words commencing from "and his immediate superior authority" down to the end shall be repealed.

Amendments of secs. 12, 32,40,49,109, 150, 158 & 165.

4. In sections 12, 32,40, 49, 109, 150,158 & 165 of the said Code, the words "Revenue Commissioner" shall be substituted for the word or words "Government" or "the Government" as the case may be.

Amendment of sec. 14 ~~of the Code~~.

5. In section 14 of the said Code, after the words "of the Government" there shall be inserted the words "and of the Revenue Commissioner.",

Amendment of section 15.

6. In section 15 of the said Code, for the words "the Government shall prescribe" there shall be substituted the words "subject to the general orders of Government, the Revenue Commissioner shall prescribe."

Amendment of section 20 ~~of the Code~~.

7. In section 20 of the said Code, the words "the Revenue Commissioner" shall be inserted between the words "namely" and "the Deputy Commissioner."

Amendment of section 36.

8. In section 36 of the said Code, between the words "Deputy Commissioner" and the words "to dispose", there shall be inserted the words "subject to the orders of the Revenue Commisioner:" and between the

words "authorised" and "by Government", the words "by general Rules sanctioned by Government."

Amendment of s39.

9 (1). In section 39 of the said Code, the words "The Government may at any time whatsoever and" shall be repealed; and for the words "survey officers may" there shall be substituted the words "it shall be lawful for survey officers:" and between the words "Regulation" and "set apart" there shall be inserted the words "and at any other time for the Revenue Commissioner, to."

(2) In the same section for the words "the Government" where they last occur, the words "the Revenue Commissioner" shall be substituted.

Amendment of s.158.

10. In section 158 of the said Code, for the words "and shall fix" there shall be substituted the words "and, with the sanction of Government shall fix." 19

Amendment of s.160. and s.189.

11. In sections 160 and 189 of the said Code, for the words "the Government" and the word "Government" there shall in each case be substituted the words "the Revenue Commissioner, under the orders of Government."

Amendment of s.164.

12. In section 164 of the said Code, for the words "the Government may" there shall be substituted the words "the Revenue Commissioner may, with the sanction of Government."

Insertion of new section 210A.

13. To after section 210 of the said

Code, the following ~~new~~ sub-section shall be ~~inserted~~ added, namely:-

"Appeal from Revenue Commissioner's appellate decisions to be limited to certain points."

"~~210A~~ (2). No appeal shall lie to Government from an appellate decision or order passed by the Revenue Commisioner except on a point of law or usage having the force of law."

Repeal of schedule I.

14. Sehedule I of the said Code shall be repealed.

19.2.06

Vol 273

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7465

Letter No. 4693

7. no: 19 1906
5. no: 2

FROM

P. L. Moore Esquire, I. C. S.,
Offg: FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 17th August 1906.

III

SIR,

I am directed to acknowledge the receipt of Sir P. N. Krishna Murti's letter No. 1578, dated the 6th March 1906, forwarding for sanction the draft of a Regulation which the Durbar propose to enact to amend the Mysore Land Revenue Code Regulation, No. IV of 1888, in order to provide for the increased powers delegated to their Revenue Commissioner.

2. In reply, I am to say that the Government of India have no objection to the proposed legislation.

I have the honour to be,
Sir,
Your most obedient servant,

Offg: First Assistant Resident

GOVERNMENT OF MYSORE,

LEGISLATIVE DEPARTMENT.

~~Read the following papers:~~

No. 9573 dated 25-8- 1906..
Legis. 19-05

ORDER THEREON.—Ordered that the ~~Draft~~ Regulation to amend the Mysore Land Revenue Code IV of 1888 which received the assent of His Highness the Maharaja on the 20th day of August 1906, be promulgated.

Secretary to Govt.,
Gen. & Rev. Depts.

To

The Compiler, *Mysore Gazette*, with a copy of Regulation No. VI of 1906, for publication in ~~three~~ two successive issues of the ordinary Gazette and for supply of 500 spare copies to this office.

GPB--200--10-8-06

Regulation No. VI of 1906.

(Passed on the 20th day of August 1906).

A Regulation further to amend
The Mysore Land Revenue Code, IV of 1888.

Preamble.

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows:-

Substitution of new section for section 4, Regulation ,IV of 1888.

1. For section 4 of the Mysore Land Revenue Code, 1888, the following shall be substituted, namely:- 27

"Chief controlling authority in Revenue matters."

"4 (1) The Chief controlling authority in all matters connected with the Land Revenue is vested in the Revenue Commissioner, subject to Government.

"Powers and duties of Revenue Commissioner".

" (2) The Revenue Commissioner shall be appointed by Government, and shall exercise the powers and discharge the duties conferred and imposed on the Revenue Commissioner under this Regulation, or under any other law for the time being in force, and, so far as is consistent therewith, all such other powers or duties of appeal, superintendence and control within the territories of Mysore, and over the officers subordinate to him, as may from time to time be prescribed by Government.

"Assistants to Revenue Commissioner".

" (3) The Revenue Commissioner shall have such number of Assistants as the Government may

and " the Deputy Commissioner".

Amendment of section 36.

8. In section 36 of the said Code, between the words " Deputy Commissioner" and the words " to dispose", there shall b inserted the words"subject to the orders o the Revenue Commissioner;" and between the words"authorised" and " by Government", the words " by general rules sanctioned by Government."

Amendment of section 39.

9 (1). In section 39 of the said Code, the words " the Government may at any time whatsoever and" shall be repealed; and for the words " Survey officers may" there shall be substituted the words " it shall be lawful for Survey officers;" and between the words " Regulation " and "set apart" there shall be inserted the words " and at any other time for the Revenue Commissioner, to."

(2) In the same section for the words " the Government" where they last occur, the words " the Revenue Commissioner" shall be substituted.

Amendment of section 158.

10. In section 158 of the said Code, for the words " and shall fix" there shall be substituted the words " and, with the sanction of the Government, shall fix."

Amendment of sections 160 and 189.

11. In sections 160 and 189 of the said Code, for the words " the Government" and the word " Government" there shall in each case be substituted the words " the Revenue Commissioner, under the orders of Government."